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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 TANYA MAYFIELD, an Individual,

13 Plaintiff,

14 vs.

15 CENTENE CORPORATION, a Foreign
16 Corporation.

17 Defendants.

CASE NO.:

COMPLAINT AND JURY DEMAND

18
19 The Plaintiff Tanya Mayfield (“**Ms. Mayfield**” or “**Plaintiff**”) by and through her
20 attorneys, Jenny L. Foley, Ph.D., Esq. and Rex M. Martinez, Esq., of HKM Employment
21 Attorneys LLP, hereby complain and allege as follows:

22 **JURISDICTION**

23 1. This is an action for damages brought by Plaintiff for unlawful workplace
24 discrimination and retaliation based on race under Title VII of the Civil Rights Act of 1964
25 (“Title VII”), 42 U.S.C. §2000e *et seq.*; discrimination and retaliation under the Americans with
26 Disabilities Act (“ADA”) of 1990, 42 U.S.C. §12101 *et. Seq.*; for monetary damages to redress
27 the deprivation of rights secured to the Plaintiff by the Civil Rights Act of 1871, 42 U.S.C. §
28 1981; for retaliation under the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. §

1 2601, et seq.; for violation of Nevada Revised Statute §613.330 *et seq.*; and for certain claims
2 brought pursuant to the Nevada Revised Statutes as outlined below.

3 2. This Court has primary jurisdiction over claims set forth herein pursuant to 28
4 U.S.C. § 1331 (federal question), 28 U.S.C. §1343(a) (4) (civil rights action) and 42 U.S.C.
5 §2000e-5(f)(3) (unlawful discrimination and retaliation in employment). Additionally, this
6 Court has supplemental jurisdiction over any state law claims pled herein pursuant to 28 U.S.C.
7 § 1367.

8 3. All material allegations contained in this Complaint are believed to have
9 occurred in Clark County, Nevada. Therefore, venue properly lies in the southern division of
10 the United States Court for the District of Nevada pursuant to 28 U.S.C. §1391(b)(2).

11 **EXHAUSTION OF ADMINISTRATIVE REMEDY**

12 4. On or about March 25, 2020, Plaintiff initiated the process of filing a Charge of
13 Discrimination against her employer, the Defendant named in this action with the United States
14 Equal Employment Opportunity Commission (“EEOC”) wherein he alleged discrimination
15 based on race, national origin, age, and retaliation.

16 5. On or about October 11, 2020, Plaintiff received her Notice of Right to Sue from
17 the EEOC.

18 6. This action is timely filed pursuant to 42 U.S.C. § 2000e-5(f).

19 7. Plaintiff has exhausted her administrative remedy on all claims pled hereunder
20 prior to filing this action with this Court.

21 **GENERAL ALLEGATIONS**

22 8. Plaintiff incorporates all of the allegations in the preceding paragraphs as though
23 fully set forth herein.

24 9. Plaintiff is a United States citizen and current resident of Clark County, Nevada.

25 10. Defendant CENTENE CORPORATION (hereinafter “**Centene**” or
26 “**Defendant**”) is a foreign corporation and an employer in the State of Nevada.

27 11. At all times relevant to this matter, Defendant had over 500 employees, and is
28 therefore subject to the provisions of Title VII.

1 12. Plaintiff is an African American female.

2 13. Unfortunately, Plaintiff suffers from Scoliosis, Spinal Degeneration, Degenerate
3 Disc Disease, and intense migraines.

4 14. Plaintiff has received treatment for these conditions, including, but not limited
5 to, Spinal injections, injections for migraines, MRIs, MRAs, as well as chiropractor and
6 acupuncture treatments.

7 15. When Plaintiff has intense migraines and severe back pain caused by her
8 conditions, she is unable to perform her computer and desk work. As such, it is medically
9 necessary for Plaintiff to be absent from work due to episodic flare-ups as well as for treatment
10 and procedures.

11 16. Plaintiff first began her employment with Defendant in California in 2017 as an
12 Account Executive and Contract Coordinator.

13 17. Shortly after, Plaintiff began working in Nevada in the same capacity.

14 18. Plaintiff is qualified for the position and has performed her duties satisfactorily
15 and had no discipline issues during her employment with Defendant.

16 19. Plaintiff has been recognized for her superior service on several occasions.

17 20. When plaintiff began working in Nevada, Christine Hall became Plaintiff's
18 Supervisor.

19 21. While working under Ms. Hall, Plaintiff experienced several discriminatory acts
20 based on her race.

21 22. One such example that occurred early on and happened often was Ms. Hall
22 purposefully excluding Plaintiff from weekly meetings.

23 23. In early 2019, Ms. Hall determined that Plaintiff and the only other African
24 American employee, Nick LNU, should be moved to a different area and placed under the
25 supervision of an African American supervisor, Billie LNU.

26 24. Plaintiff and Nick LNU complained about this racially motivated employment
27 condition, and both of them were transferred back under the supervision of Ms. Hall.

28 25. In addition, Ms. Hall would single Plaintiff out and excessively nit-pick,

1 scrutinize, and demean Plaintiff in a severely unprofessional and hostile manner.

2 26. Upon information and belief, Defendant unlawfully retaliated against Plaintiff
3 for submitting a complaint of discrimination regarding Ms. Hall's behavior.

4 27. In September 2019, Plaintiff complained to both the Ethics Hotline as well as to
5 Human Resources about the ongoing racially discriminatory acts taken against her, but not only
6 did the discriminatory acts continue, but they increased because of Plaintiff complaint.

7 28. Plaintiff was also alienated and excluded on the basis of her race.

8 29. On one such instance in November 2019, Plaintiff, as well as Nick LNU, were
9 excluded from a company event.

10 30. Upon information and belief, Plaintiff and Nick LNU are the only two African
11 American employees and they were the only ones excluded.

12 31. When Plaintiff reported this incident, Human Resources claimed that it was
13 because they were hourly employees, highlighting the fact that the only two hourly employees
14 were both African American and working under Ms. Hall.

15 32. In January 2020, Plaintiff's complaints of a racially hostile environment were
16 met with further retaliation when Ms. Hall rated Plaintiff as "barely meets expectations" in her
17 employment review.

18 33. Plaintiff always accomplished all of her job duties, never had any complaints
19 against her, and had previously received at least two prior satisfactory or better reviews while
20 working for Defendant.

21 34. During the same month, Ms. Hall began a screaming match that led Plaintiff to
22 once again report Ms. Hall's hostile behavior.

23 35. Ms. Hall was later made to apologize for this behavior.

24 36. In February 2020, Plaintiff went on FMLA leave for surgical procedures related
25 to her conditions, which was approved and included ADA accommodations to work from home.

26 37. When Plaintiff returned from her FMLA leave on February 26, 2020, Defendant
27 terminated Plaintiff.

28 38. Defendant refused to give Plaintiff a reason for her termination.

1 48. Plaintiff suffered adverse economic impact due to Defendant's discriminatory
2 behavior and termination.

3 49. Plaintiff was embarrassed, humiliated, angered and discouraged by the
4 discriminatory actions taken against her.

5 50. Plaintiff suffered compensable emotional and physical harm, including but not
6 limited to, headaches, sleeplessness, anxiety and depression resulting from this unlawful
7 discrimination by her employer.

8 51. Plaintiff is entitled to be fully compensated for her emotional disturbance by
9 being forced to endure this discrimination.

10 52. Pursuant to 1991 Amendments to Title VII, Plaintiff is entitled to recover
11 punitive damages for Defendant's intentional repeated violations of federal and state civil rights
12 laws.

13 53. Plaintiff suffered damages in an amount deemed sufficient by the jury.

14 54. Plaintiff is entitled to an award of reasonable attorney's fees.

15 55. Defendant is guilty of oppression, fraud or malice, express or implied as
16 Defendant knowingly and intentionally discriminated against Plaintiff because of her race and
17 disability.

18 56. Therefore, Plaintiff is entitled to recover damages for the sake of example, to
19 deter other employers from engaging in such conduct and by way of punishing the Defendant
20 in an amount deemed sufficient by the jury.

21 **SECOND CAUSE OF ACTION**

22 **(Retaliation under Federal Law, 42 U.S.C. § 2000e-3 and State Law, NRS 613.340)**

23 57. Plaintiff incorporates all of the allegations in the preceding paragraphs as though
24 fully set forth herein.

25 58. In violation of 42 U.S.C § 200e-3, Defendant retaliated against Plaintiff after he
26 complained of acts which he reasonably believed were discriminatory.

27 59. In violation of NRS 613.340 Defendant retaliated against Plaintiff after he
28 complained of acts, which he reasonably believed were discriminatory.

1 Scoliosis, Spinal Degeneration, and Degenerate Disc Disease.

2 72. As a result of Defendant's actions, Plaintiff has suffered and will continue to
3 suffer both economic and non-economic harm.

4 **FOURTH CAUSE OF ACTION**

5 **(Violation of the Civil Rights Act of 1871, §1981)**

6 73. Plaintiff incorporates all of the allegations in the preceding paragraphs as though
7 fully set forth herein.

8 74. Plaintiff is African American and therefore a member of a protected class.

9 75. Defendant engaged in the above-mentioned harassment and discrimination of
10 Plaintiff with the purposeful intent to discriminate against her because of her race (African
11 American).

12 76. Under similar circumstances, other, White or non-African American employees
13 were not subjected to a racially hostile working environment.

14 77. Plaintiff was subject to disparate treatment and retaliation through adverse
15 employment actions, and favorable behavior toward white employees, which is prima facie
16 evidence of purposeful intent to discriminate against Plaintiff because of her race.

17 78. Plaintiff suffered damages in an amount deemed sufficient by the jury.

18 79. Plaintiff is entitled to an award of reasonable attorney's fees in this matter.

19 80. Defendant is guilty of oppression, fraud or malice, express or implied as
20 Defendant knowingly violated Plaintiff's rights under Section 1981 of the Civil Rights Act of
21 1871.

22 81. Therefore, Plaintiff is entitled to recover damages for the sake of example, to
23 deter other employers from engaging in such conduct and by way of punishing the Defendant
24 in an amount deemed sufficient by the jury.

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FIFTH CAUSE OF ACTION

**(Retaliation in Violation of the Family and Medical Leave Act of 1993, 29 U.S.C. §§
2601, et seq.)**

82. Plaintiff incorporates all of the allegations in the preceding paragraphs as though fully set forth herein.

83. Defendant operates in interstate commerce and have over 50 employees within a 75-mile radius of the location where Plaintiff was employed. Defendant is therefore “covered employer(s),” as defined as 29 U.S.C. § 2611(4) under the FMLA.

84. Plaintiff availed herself of a protected right under the FMLA by taking FMLA leave for a serious health condition in February 2020.

85. Plaintiff, upon immediately returning from her approved FMLA leave, was terminated.

86. Defendant’s violations of the FMLA were willful and without justification.

87. Defendant’s above-described conduct and violations of the FMLA were done with malice, oppression, and with a conscious disregard for Plaintiff’s rights under the FMLA.

88. Plaintiff is entitled to damages equal to her lost wages, salary, employment benefits and other compensation denied or lost, liquidated damages as provided under the FMLA, costs, attorneys’ fees, interest, and equitable relief as deemed appropriate.

SIXTH CAUSE OF ACTION

(Intentional/Negligent Infliction of Emotional Distress)

89. Plaintiff incorporates all of the allegations in the preceding paragraphs as though fully set forth herein.

90. Defendant’s conduct toward Plaintiff was extreme and outrageous and caused significant emotional harm, headaches, sleeplessness and various physical and mental distress.

91. Defendant’s conduct was extreme, outrageous, and undertaken with either intent or, reckless disregard for causing Plaintiff emotional distress.

92. Defendant had a duty to refrain from engaging in the hostile and retaliatory acts as described above.

1 93. Defendant breached that duty.

2 94. Defendant's intentional or negligent conduct was the legal, actual, proximate
3 cause of Plaintiff's extreme and/or severe emotional distress by engaging in the conduct
4 described herein.

5 95. Defendants must pay damages in an amount to be determined at trial but
6 exceeding \$25,000 for emotional pain, suffering, inconvenience, mental anguish and loss of
7 enjoyment of life because they engaged in illegal actions.

8 96. Because Defendants are guilty of oppression, fraud or malice, express or
9 implied, Defendants must pay Plaintiff an additional amount for the sake of example and by
10 way of punishment.

11 97. Plaintiff has had to obtain the services of an attorney to protect her rights and
12 secure compensation for the damages incurred as a result of these violations and therefore, she
13 is entitled to recover reasonable attorney's fees against Defendants.

14 **WHEREFORE**, Plaintiff prays this court for:

15 a. A jury trial on all appropriate claims;

16 moreover, to enter judgment in favor of the Plaintiff by:

17 b. Awarding Plaintiff an amount sufficient to fully compensate her (including tax
18 consequences) for all economic losses of any kind, and otherwise make her
19 whole in accordance with Title VII, the Civil Rights Act of 1871, §1981, the
20 Americans with Disability Act, the Family Medical Leave Act, and certain
21 claims brought pursuant to the Nevada Revised Statutes;

22 c. General damages;

23 d. Special damages;

24 e. An award of compensatory and punitive damages to be determined at trial;

25 f. Liquidated damages in accordance with the FMLA;

26 g. Pre- and post-judgment interest;

27 h. An award of attorney's fees and costs; and

28 i. Any other relief the court deems just and proper.

1 Dated on this 4 Day of November, 2020.

2 **HKM EMPLOYMENT ATTORNEYS, LLP**

3 */s/ Jenny L. Foley*

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